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13 *Attorney for Plaintiff*

14 **UNITED STATES DISTRICT COURT**  
15 **EASTERN DISTRICT OF WASHINGTON**

16 ROBERT B. LUTZ, MD, MPH, a  
17 married man,

18 Plaintiff,

19 v.

20 SPOKANE REGIONAL HEALTH  
21 DISTRICT, a Washington State public  
22 health agency,

23 Defendant.

No. 2:22-cv-00028-MKD

**MOTION FOR ENTRY OF  
DEFAULT AGAINST  
DEFENDANTS SPOKANE  
REGIONAL HEALTH DISTRICT**

24 Pursuant to Fed. R. Civ. P. 55, Fed. R. Civ. P. 15(a)(3), and LCivR 55(a)(1),  
25 Plaintiff moves for entry of default against Defendant Spokane Regional Health  
26 District. On December 27, 2023, this Court granted Plaintiff's motion for leave to  
27 file an amended complaint. ECF No. 62. On December 28, 2023, Plaintiff's First

1 Amended Complaint was filed and served. ECF No. 63. Defendant's answer to the  
 2 first amended complaint was due by January 11, 2024. Fed. R. Civ. P. 15(a)(3).  
 3 Defendant did not file or serve an answer to the first amended complaint. On  
 4 January 29, 2024, and pursuant to LCivR 55(a), Defendant was provided with  
 5 written 14-day notice of Plaintiff's intent to move for entry of default for failure to  
 6 timely respond to the first amended complaint. Declaration of Caleb Hatch at ¶ 5,  
 7 EXHIBIT A. Defendant did not respond to the written notice or file an answer to the  
 8 first amended complaint. *Id.* at ¶ 6. On February 22, 2024, Defendant was sent  
 9 another written notice that Defendant had missed the deadline to file an answer to  
 10 the first amended complaint and had missed the 14-day deadline to file an answer  
 11 following the notice under LCivR 55(a). *Id.* at ¶ 7, EXHIBIT A. Defendant did not  
 12 respond and did not file an answer to the first amended complaint. *Id.* at ¶¶ 8-9.

13 Defendant has not filed an answer to Plaintiff's first amended complaint, by  
 14 the required deadline. Plaintiff respectfully requests this Court enter default against  
 15 Defendant. This Motion is supported by the concurrently filed Declaration of Caleb  
 16 Hatch.

17 Respectfully submitted this 26th day of February, 2024.

18 s/ Caleb Hatch

19 Caleb Hatch, WSBA # 51292

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**CERTIFICATE OF SERVICE**

I hereby certify that on February 26, 2024, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF System which in turn automatically generated a Notice of Electronic Filing (NEF) to all parties in the case who are registered users of the CM/ECF system. The NEF for the foregoing specifically identifies recipients of electronic notice.

s/ Caleb Hatch

Caleb Hatch, WSBA # 51292

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